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Attorney for Plaintiff Second Amendment Foundation

## UNITED STATES DISTRICT COURT

### CENTRAL DISTRICT OF CALIFORNIA

ADAM RICHARDS, an individual;  
 JEFFREY VANDERMEULEN, an  
 individual; GERALD CLARK, an  
 individual; JESSE HARRIS, an  
 individual; ON TARGET INDOOR  
 SHOOTING RANGE, LLC;  
 GAALSWYK ENTERPRISES, INC.  
 (D/B/A/ SMOKIN' BARREL  
 FIREARMS); GUN OWNERS OF  
 CALIFORNIA, INC.; GUN OWNERS  
 OF AMERICA, INC.; GUN OWNERS  
 FOUNDATION; CALIFORNIA RIFLE  
 & PISTOL ASSOCIATION,  
 INCORPORATED; and SECOND  
 AMENDMENT FOUNDATION, a  
 California Corporation,

Plaintiffs,

v.

GAVIN NEWSOM, in his official  
 capacity as Governor of the State of  
 California; ROBERT BONTA, in his  
 official capacity as Attorney General of  
 the State of California, and DOES 1-10,

Defendants.

Case No.: 8:23-cv-02413 JVS (KESx)

### NOTICE OF PLAINTIFFS' EX PARTE APPLICATION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ISSUANCE OF PRELIMINARY INJUNCTION

Hearing Date:	TBD
Hearing Time:	TBD
Courtroom:	10C
Judge:	Hon. James V. Selna

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on a date and time to be determined, in  
3 Courtroom 10C of the above-captioned Court, Plaintiffs Adam Richards, Jeffrey  
4 Vandermeulen, Gerald Clark, Jesse Harris, On Target Indoor Shooting Range, LLC,  
5 Gaalswyk Enterprises, Inc. (D/B/A/ Smokin' Barrel Firearms), Gun Owners of  
6 California, Inc., Gun Owners of America, Inc., Gun Owners Foundation, California  
7 Rifle & Pistol Association, Incorporated, and the Second Amendment Foundation  
8 (collectively, "Plaintiffs") will move for a temporary restraining order and issuance  
9 of a preliminary injunction under Rule 65 of the Federal Rules of Civil Procedure.  
10 Specifically, Plaintiffs will seek an order to enjoin the implementation,  
11 enforcement, and effect of Senate Bill 1384 (Cal. Penal Code Section 26806).

12 Plaintiffs bring this Application because Section 26806 violates Plaintiffs'  
13 First Amendment, Second Amendment, Fourth Amendment, Fifth Amendment, and  
14 Equal Protection rights because of an overbroad and intrusive attempt to video and  
15 audio record plaintiffs and others without consent and at great financial costs to  
16 Federal Firearm Licensees. Unless the court orders the requested Temporary  
17 Restraining Order and Injunction for preliminary relief, Plaintiffs and the general  
18 California public will continue to suffer this unnecessary and significant  
19 infringement of their constitutional rights.

20 The urgency of this Application is because Section 26806 of Cal. Penal Code  
21 will become effective on January 1, 2024. Once in effect, Section 26806 will cause  
22 irreparable harm to Plaintiffs.

23 This Application is made on the grounds set forth in the accompanying  
24 Memorandum of Points and Authorities, the signed declarations of Adam Richards,  
25 Jeffrey Vandermeulen, Gerald Clark, Jesse Harris, Gregg Bouslog, Robert  
26 Gaalswyk, Samuel Paredes, Richard Minnich, Erich Pratt, and Alan Gottlieb, all  
27 pleadings and papers filed in this action, the argument of counsel, and further  
28 evidence as the Court may consider at or before a hearing on this motion.

1           There have been no appearances of counsel for Defendants in this case. On  
 2   December 21, 2023, counsel for Plaintiffs, Tiffany D. Cheuvront, called Robert  
 3   Meyerhoff, Deputy Attorney General, at (213) 269-6177 and left a message asking  
 4   for someone at the Department of Justice who could determine the attorney for the  
 5   case. (Declaration of Tiffany D. Cheuvront (“Cheuvront Decl.”) ¶ 2.) Shortly after,  
 6   Mrs. Cheuvront called John Echeverria, Deputy Attorney General, at (415) 510-  
 7   3479 and Mr. Echeverria asked that our office send courtesy copies of the  
 8   Complaint and Application documents to him by email. Mr. Echeverria stated that  
 9   he would have to circulate the case documents within the Department of Justice to  
 10   see who the handling attorney would be. (“Cheuvront Decl.” ¶ 3.)

11           The Complaint, this Application, the accompanying Memorandum of Points  
 12   and Authorities, the declarations of Adam Richards, Jeffrey Vandermeulen, Gerald  
 13   Clark, Jesse Harris, Gregg Bouslog, Robert Gaalswyk, Samuel Paredes, Richard  
 14   Minnich, Erich Pratt, and Alan Gottlieb, and the Proposed Order to Show Cause for  
 15   Preliminary Injunction and Temporary Restraining Order have been sent by the  
 16   office for counsel for Plaintiffs to Mr. Echeverria by email at  
 17   [John.Echeverria@doj.ca.gov](mailto:John.Echeverria@doj.ca.gov). (“Cheuvront Decl.” ¶ 4.) The email notified Mr.  
 18   Echeverria that any opposition must be filed not later than 24 hours after such  
 19   service. (“Cheuvront Decl.” ¶ 4.)

21   Dated: December 21, 2023

**MICHEL & ASSOCIATES, P.C.**

*s/ C.D. Michel*

C.D. Michel

Attorneys for Plaintiffs Adam Richards,  
 Jeffrey Vandermeulen, Gerald Clark, Jesse  
 Harris, On Target Indoor Shooting Range,  
 LLC, Gaalswyk Enterprises, Inc. (D/B/A/  
 Smokin’ Barrel Firearms), Gun Owners of  
 California, Inc., Gun Owners of America, Inc.,  
 Gun Owners Foundation, and California Rifle  
 & Pistol Association, Incorporated

1 Dated: December 21, 2023

LAW OFFICES OF DONALD KILMER, APC

2 *s/ Donald Kilmer*

3 Donald Kilmer

4 Attorney for Plaintiff Second Amendment  
Foundation

5 **ATTESTATION OF E-FILED SIGNATURES**

6 I, C.D. Michel, am the ECF User whose ID and password are being used to  
7 file this NOTICE OF PLAINTIFFS' EX PARTE APPLICATION AND  
8 APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ISSUANCE  
9 OF PRELIMINARY INJUNCTION. In compliance with Central District of  
10 California L.R. 5-4.3.4, I attest that all signatories are registered CM/ECF filers  
11 and have concurred in this filing.

12 Dated: December 21, 2023

*s/ C.D. Michel*

13 C.D. Michel

**CERTIFICATE OF SERVICE**  
IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Richards, et al. v. Newsom, et al.*  
Case No.: 8:23-cv-02413 JVS (KESx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**NOTICE OF PLAINTIFFS' EX PARTE APPLICATION AND  
APPLICATION FOR TEMPORARY RESTRAINING ORDER AND  
ISSUANCE OF PRELIMINARY INJUNCTION**

on the following parties by the following means:

Robert Bonta, California Attorney General  
Office of the Attorney General  
300 South Spring Street  
Los Angeles, CA 90013-1230

Governor Gavin Newsom  
1021 O Street, Suite 9000  
Sacramento, CA 95814

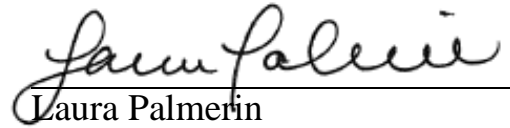
X (BY OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for receipt on the same day in the ordinary course of business. Such envelope was sealed and placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for in accordance with ordinary business practices.

John D. Echeverria  
Deputy Attorney General  
[john.echeverria@doj.ca.gov](mailto:john.echeverria@doj.ca.gov)  
455 Golden Gate Ave., Suite 11000  
San Francisco, CA 94102-7004

X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic transmission. Said transmission was reported and completed without error.

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed December 21, 2023.

3   
4 Laura Palmerin